

Message Text

CONFIDENTIAL

PAGE 01 STATE 150694
ORIGIN NEA-10

INFO OCT-01 ISO-00 L-03 JUSE-00 EB-07 TRSE-00 SP-02
SS-15 CIAE-00 INR-07 NSAE-00 COME-00 DODE-00 PM-04
/049 R

DRAFTED BY NEA/INS:JRGRAHAME:JES
APPROVED BY NEA/INS:DKUX
L/NEA:WRHODES
JUSTICE/FOREIGN LITIGATION:BRISTAU
-----118305 290040Z /64
P 282325Z JUN 77
FM SECSTATE WASHDC
TO AMEMBASSY NEW DELHI PRIORITY

C O N F I D E N T I A L STATE 150694

FOR SCHNEIDER FROM KUX, NEA/INS

E.O. 11652: GDS

TAGS: EAID, ETRD, US, IN

SUBJECT: GOI INTEREST IN OBTAINING INFORMATION RELEVANT TO
BOEINGINVESTIGATION

REF: NEW DELHI 90068

1. ON THE BASIS OF OUR CURRENT UNDERSTANDING OF THE POWERS
OF INDIAN COMMISSIONS OF INQUIRY, DEPARTMENT OF JUSTICE
COULD NOT AGREE TO THE GOI LAW ENFORCEMENT AGENCY (HOME
MINISTRY) PROVIDING THEM WITH INFORMATION WHICH IT RECEIVES
PURSUANT TO A FORMAL JUDICIAL INFORMATION EXCHANGE AGREEMENT
WITH THE USG. THE DISTRIBUTION OF INFORMATION EXCHANGED
UNDER THESE AGREEMENTS IS LIMITED TO LAW ENFORCEMENT
AGENCIES INVESTIGATING AND PROSECUTING THE CASE FOR WHICH
THE AGREEMENT WAS CONCLUDED. AS COMMISSION OF INQUIRY CAN
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 STATE 150694

NOT PROSECUTE, IT DOES NOT APPEAR THAT JUSTICE WOULD BE
PERMITTED TO CONCLUDE AN INFORMATION EXCHANGE AGREEMENT
WITH IT. FURTHER, THE PRIMARY ELEMENTS OF SUCH AGREEMENTS
ARE CONFIDENTIALITY AND RECIPROCITY. JUSTICE ASSUMES THAT
THE HOME MINISTRY COULD NOT ASSURE THAT COMMISSIONS OF IN-
QUIRY WOULD MEET THESE REQUIREMENTS AND THEREFORE WOULD NOT
AGREE TO PASSING OF INFORMATION TO A COMMISSION OF INQUIRY.

2. VIRTUALLY IDENTICAL PROBLEMS TO THE ONE WE SEEM TO HAVE

HERE HAVE ARISEN IN NEGOTIATING OTHER INFORMATION EXCHANGE AGREEMENTS WITH FOREIGN LAW ENFORCEMENT AGENCIES. THE SNAG WITH THE INDIANS IS NOT THEREFORE UNIQUE AS JUSTICE FLEXIBILITY ON THIS QUESTION IS SEVERELY LIMITED BY U.S. LAW.

3. JUSTICE PAST EXPERIENCE INDICATES THAT THE BEST WAY OF TRYING TO RESOLVE THIS TYPE OF SNAG IS BY PERSONAL TALKS BETWEEN SENIOR LAW ENFORCEMENT OFFICIALS OF BOTH COUNTRIES IN VIEW OF THE PROBLEMS IN EACH SIDE'S UNDERSTANDING OFTEN ARCANE POINTS OF LEGAL AND ADMINISTRATIVE PRACTICE. FOR THIS REASON, JUSTICE SUGGESTS THAT IF THE GOI WISHES TO PURSUE THE MATTER FURTHER IT SEND A SENIOR OFFICIAL OF ITS LAW ENFORCEMENT AGENCY TO WASHINGTON TO TRY TO WORK OUT A MUTUALLY SATISFACTORY AGREEMENT. SUCH A VISIT WOULD GIVE JUSTICE AN OPPORTUNITY TO EXPLAIN THE U.S. STRICTURES APPLYING TO AN INFORMATION EXCHANGE AGREEMENT, TO EXPLORE INDIAN LAW IN DEPTH AND TO SEE IF A MUTUALLY ACCEPTABLE SOLUTION CAN BE DEvised. VANCE

CONFIDENTIAL

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: INFORMATION EXCHANGE, AGREEMENTS, INVESTIGATIONS
Control Number: n/a
Copy: SINGLE
Sent Date: 28-Jun-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977STATE150694
Document Source: CORE
Document Unique ID: 00
Drafter: JRGRAHAME:JES
Enclosure: n/a
Executive Order: GS
Errors: N/A
Expiration:
Film Number: D770231-0400
Format: TEL
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1977/newtext/t19770610/aaaaaikd.tel
Line Count: 83
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: c4fe7f72-c288-dd11-92da-001cc4696bcc
Office: ORIGIN NEA
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: 77 NEW DELHI 90068
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 07-Apr-2005 12:00:00 am
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 1992172
Secure: OPEN
Status: NATIVE
Subject: GOI INTEREST IN OBTAINING INFORMATION RELEVANT TO BOEINGINVESTIGATION
TAGS: EAID, ETRD, US, IN
To: NEW DELHI
Type: TE
vdkgvwkey: odbc://SAS/SAS.dbo.SAS_Docs/c4fe7f72-c288-dd11-92da-001cc4696bcc
Review Markings:
Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
22 May 2009
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009